

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, April 23, 2007 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, John Lebeaux, James McCaffrey, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:04pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #0783 in the amount of \$316,757.92, and #0786 in the amount of \$1,662,779.09. Motion made, seconded and unanimously approved.
2. Announcements – Mr. Lebeaux reminded those present that the American Cancer Society 3rd Annual Relay for Life will take place on May 11 & 12, 2007 at Oak Middle School. Mr. McCaffrey advised that the drop off of household goods will be held on Saturday, April 28th at the South Street Garage starting at 9:00am. Residents should check the town web site for times and items that will be accepted. Mr. Card asked Town Engineer Jack Perreault, who was present for the Street Acceptance Hearing, if any controls for the water going from Jordan Pond into Lake Quinsigamond had been included in the work currently being done around the pond. Mr. Perreault said controls were not part of this work and added that the recent flooding problems in the area had been caused by the build up of debris.
3. Town Manager's Report - Nothing other than what is on the Agenda.

Meetings:

4. 7:00pm – Storm Ready Presentation. Michael Filiere, Director of Emergency Management, and James Arnold, Deputy Director were present along with officials from NOAA National Weather Service, MEMA, FEMA, and State Senator Edward Augustus. Shrewsbury was recognized for completing the necessary criteria in order to become the fourth StormReady community in Massachusetts. Glenn Field of the National Weather Service advised that StormReady prepares communities to deal with storms before and after they occur and provides them with the improved communications needed to save lives and property. Robert Thompson of the National Weather Service presented Mr. Filiere and Mr. Arnold with citations and Mr. Lebeaux accepted a citation on behalf of the town. Mr. Thompson also presented the town with StormReady signs to be posted in appropriate areas. Mr. Lebeaux presented Mr. Filiere and Mr. Arnold with a citation from the Massachusetts House of Representatives on behalf of Rep. Polito who was unable to attend the meeting this evening. The Board congratulated Mr. Filiere and Mr. Arnold on their achievement and for all their hard work in attaining StormReady status for Shrewsbury.
5. 7:30pm – Street Acceptances. Jack Perreault and Walter Castagna of the Engineering Dept. were present. Mr. Perreault advised that there are three streets on the list for acceptance this year, Boston Hill Circle, Clark Way, and Park Grove Lane. There are also two open space parcels in Noble Oak Estates on the list for acceptance. Mr. Perreault advised that all were set to go with the exception of Boston Hill Circle. There are a few items to be completed in order for this road to be ready for acceptance. Richard Record, Boston Hill developer, was present and advised that the hold up was due to the installation of a new catch basin which should be finished on Friday. After a short discussion motion was made, seconded and unanimously voted to close the hearing. Mr. Lebeaux thanked Mr. Perreault and Mr. Castagna for coming in.

Public Hearings:

6. 8:00pm – Macchiatto Ent., Inc. d/b/a Brewed Awakening Café, 424 Hartford Turnpike, Serge Mendilian, manager, Common Victualler's License. Hours of Operation Sunday-Saturday 5:00am to 9:00pm. Mr. Mendilian and his wife Norma were present. He advised the Board that he would like to open a restaurant in the strip mall on Hartford Turnpike next to Dream Dinners where he would serve coffee and pastry. The establishment would seat approximately 25-30 and employ 5-10 people. He added that he hoped to open in about 3-4 weeks. Mr. Lebeaux advised that all reports from department heads were favorable. The hearing

was opened to the public and seeing no comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Macchiatto Ent., Inc. d/b/a Brewed Awakening Café, 424 Hartford Turnpike, Serge Mendilian, manager, for a Common Victualler's License for the days and hours as stated in the application. Motion was seconded and unanimously approved.

7. 8:15pm – Dog Complaint Hearing – Adam Flanders, 29 Smith Road. Mr. Lebeaux asked all those who would be giving testimony to rise and be sworn in. Animal Control Office Leona Pease, Mr. & Mrs. Govatsos, complainants, Adam Flanders, dog owner, and Katie Warman, friend of Mr. Flanders, were sworn in. Mr. Lebeaux read the complaint filed by Officer Pease stating that a Pit Bull dog named Daisy owned by Mr. Flanders had attacked a Beagle and Italian Greyhound owned by Mr. & Mrs. Govatsos on two occasions. The first attack occurred while both dogs were on a leash being walked by Mr. Govatsos near 29 Smith Road. The second attack occurred 500 feet from the Smith Road residence while both of the Govatsos dogs were leashed. Officer Pease stated that after the first incident it was found that Daisy was not licensed by the Town of Shrewsbury and Mr. Flanders was also unable to provide proof that his dog had received its shots. Mr. Lebeaux asked Mr. Govatsos to tell the Board about these incidents. Mr. Govatsos stated one attack occurred in January next door to the Flanders residence. The second attack occurred in March in front of his home on Bay Road and was more severe than the first. He stated that both attacks required treatment of his animals by a veterinarian and produced photographs of the injuries to his dogs. The photographs were entered into the record. Mr. Govatsos added that he had also observed the dog straining at its leash and barking ferociously at children in Edgemere Park. Mr. Lebeaux asked Animal Control Office Pease to come forward and report to the Board on the alleged incidents. Officer Pease's reported that the Flanders dog had attacked the Govatsos dogs on the two occasions as described by Mr. Govatsos. She stated that the Flanders dog has a high prey drive. This behavior is considered dangerous to anything that moves quickly and runs away. She recommended that the dog be found a nuisance by reason of attacking other dogs according to MGL 140, section 157 and be banned from Shrewsbury. She also recommended that a microchip be embedded to identify the dog should a situation arise in another town. Mr. Lebeaux asked Mr. Flanders and his witness to come forward and give his version of the incidents. Mr. Flanders advised the Board that his dog had never caused a problem other than these two occasions. Ms. Warman, also testified that she had never observed any aggressive behavior by the Flanders dog. After a lengthy discussion and questions from the Board, motion was made, seconded and unanimously voted to close the hearing. The Board found that the Pit Bull dog owned by Adam Flanders was determined to be a public nuisance by virtue of having a vicious disposition and by reason of leaving the property of the owner on two separate occasions and attacking other dogs. Finding seconded and unanimously approved. Motion was made that the Pit Bull dog owned by Adam Flanders, not be outside of the house unless on a leash under control of the owner and muzzled at all times. The Pit Bull dog owned by Adam Flanders is to be removed from the Town of Shrewsbury by July 31, 2007. Motion was seconded and unanimously approved. Copy of orders to be sent to complainant.

Mr. Lebeaux called a recess at 9:45pm to clear the room. The meeting reconvened at 9:48pm.

Old Business:

8. Fiscal Year 2008 Budget Update. Mr. Morgado advised that he had presented a supplemental budget to the Finance Committee at their meeting last week which they have taken under advisement. The proposed budget he had previously filed assumed that the override question will not pass. The supplemental budget covers the override approval. He added that the Dept. of Revenue has advised that Cherry Sheet numbers are fixed and that House 1 will hold. The Chapter 70 amount proposed by the Governor was decreased by the Legislature but is higher than the amount received last year. The Dept. of Education has advised that the rate of increase in State aid will be less in coming years; it will increase but not as substantially as it has in the past. Mr. DePalo added that the state is expecting cities and towns to contribute more to their school budgets. The Board discussed the pending override question and the impact on the town if it passes or if it is defeated. All members reiterated their support for the question and urged voters to look at the facts and vote accordingly. It is the right thing to do and will take the town in the right direction.
9. Act on disposition of the former Edgemere Diner. Mr. Morgado advised the Board that the advertisement for the Edgemere Diner will appear on the Worcester Telegram on April 26 and May 3, 2007. He added that a vote of the Board declaring the property surplus was now needed. Mr. Fiore suggested the clause regarding removal

of the diner from the property that had been discussed earlier be included in the RFP. Motion was made to add a clause to the RFP stating that if the successful bidder removes the diner from the property within six months of award of the bid they will have to pay the Town of Shrewsbury six months rent. Motion was seconded and unanimously approved. Motion was made, to declare the Edgemere Diner car and appurtenances and land surplus and available for disposition. Bids will be received until 1:00pm on June 29, 2007 at the Office of the Board of Selectmen.

New Business:

10. Review need for a Special Town Meeting. Mr. Morgado advised that the Town had been talking two companies relative to a TIF. One has decided not to pursue and is renovating the building and the other is not prepared to go forward to this time. A Special Town Meeting date of May 23rd has been offered.
11. Master Singers of Worcester, One Day Wine & Malt Beverages License for Wine Tasting Fund Raiser at The Sumner House, 5 Church Road, Friday, May 11, 2006 from 6:30pm to 10:00pm. Motion made, seconded and unanimously voted to approve the application as stated.
12. Approve renewal of Garage Licenses to expire 4/30/07. Mr. Fiore recused himself to avoid the appearance of conflict of interest. Motion was made, seconded and voted four in favor with one abstention to approve the renewals subject to payment of appropriate fees.
13. Approve renewal of Junk Dealer's Licenses to expire 5/1/07. Motion was made, seconded and unanimously voted to approve the renewals subject to payment of appropriate fees.
14. Request from Shrewsbury Little League to hold Annual Little League Parade on Sunday, June 24, 2006. The parade will proceed from Beal School down Main Street to Dean Park. Motion was made, seconded and unanimously voted to approve.
15. Water Restrictions. Mr. Lebeaux recused himself to avoid the appearance of conflict of interest and Mr. Fiore assumed the chair. Motion was made to adopt the resolution as presented. Outdoor use of water to be based on street address number as follows: Even numbered addresses may water on Tuesday, Thursday and Saturday. Odd numbered addresses may water on Wednesday, Friday and Sunday. No outdoor use of water on Monday. Restriction to become effective May 15, 2007. Motion was seconded and voted four in favor with one abstention. Mr. Morgado noted that this restriction does not take into consideration anything that the Commonwealth of Massachusetts may find against us. There could be further mandates coming from them.
16. Sign Assistant Treasurer's bond. Motion was made to sign the bond to set statutory limits as noted for the Assistant Treasurer. Motion was seconded and unanimously voted to approve.

Executive Session:

17. Collective bargaining, pending litigation and value of real property. No executive session.

Communications:

18. Noted copy mailed: Senator Kerry's Grant Update – 4/3/07.
19. Noted copy mailed: ZBA Hearing Agenda, 4/24/07.
20. Noted copy mailed: Planning Board Agenda, 4/12/07.
21. Noted copy mailed: Notice from Division of Occupational Safety re Work in Trenches, A Serious Hazard for Municipal DPW Workers.
22. Noted copy mailed: Invitation to attend the American Cancer Society Relay for Life in Shrewsbury, May 11-12, 2007 at Oak Middle School.
23. Noted copy mailed: City & Town, Vol. 20, No. 3 – April 2007.
24. Noted copy mailed: Notice from the Friends of the Shrewsbury Public Library regarding their 3rd season of Free Family Concerts on the Town Common. The first is scheduled for Thursday, July 26, 2007 at 6:00pm, in the event of rain the concert will be moved to the Library. The second concert date is Thursday, August 9, 2007 at 6:00pm, with a rain date of Thursday, August 16th. Application has been filed with the Congregational Church for approval. Motion was made, seconded and unanimously voted to approve the request.
25. Noted copy mailed: E-mail from Shane Bell, 7 Ryan Road, Budget.
26. Noted copy mailed: E-mail from Judy Vedder, 15 Pheasant Hill Drive, re Budget.
27. Noted copy mailed: E-mail from Michael & Noreen Powers, 75 Ireta Road, re Budget.

28. Noted copy mailed: Memo from Mr. Morgado re Bituminous Type I Paving. Mr. Morgado advised that his street is one of those scheduled to be paved. He has filed notice with the Town Clerk that he had nothing to do with the selection.
29. Noted copy mailed: E-mail from William Bloom, Jr., 121 Worthington Avenue, re Budget.
30. Noted copy mailed: MMA Action Alert #5, 4/13/07, re House Starts Budget Debate April 23.
31. Noted copy mailed: Veolia Water Monthly Compliance Report, March 2007.
32. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 3/14/06.
33. Noted copy mailed: E-mail from Marybeth Noonan, 148 South Street, re Budget.
34. Noted copy mailed: E-mail from Bretta Karp, 2 Medieval Road, re Budget.
35. Noted copy mailed: E-mail from Martha Kularski. 15 Moulton Avenue, re Use of Band Stand on the Common. The Board no longer is involved in reserving the band stand. The writer will be informed.
36. Noted copy mailed: Meeting Notice - Central Massachusetts Metropolitan Planning Organization.
37. Noted copy mailed: Request from Robert Shine (St. John's High School) & Teresa Kuruvilla (Shrewsbury High School) to hold a Reakha March for Darfur on Sunday, April 29, 2007 from 12:00 noon to 2:00pm. The walk would start at the South Pavilion at Dean Park and proceed to the Town Common via Main Street right onto Prospect Street to Spring Street and return to Dean Park. Mr. Lebeaux advised the Board that he had spoken to Parks Director Angela Snell regarding this request and she advised that the request had just been received last Thursday and there was not enough time to get organized for next week. She will work with the group on another date. Motion was made, seconded and unanimously voted to approve April 28, 2007 for the walk.
38. Noted copy mailed: E-mail from Donna Towner, 16 Naples Street, declining reappointment as an associate member of the ZBA. Vacancy for an Associate ZBA Member will be posted.
39. Noted copy mailed: ZBA Hearing Minutes, 3/27/07, Mark & Wendy Harvey, 14 Lebeaux Drive.
40. Noted copy mailed: ZBA Hearing Minutes, 3/27/07, Louis & Diane DeSantis, 20 Bay Road.
41. Noted copy mailed: ZBA Hearing Minutes, 3/27/07, Edward & Nancy O'Rourke, 18 Caroline Avenue.
42. Noted copy mailed: Planning Board Meeting Agenda, 5/3/07.

As this was Mr. Fiore's last meeting, Board members acknowledged his nine years of service as a member of the Board of Selectmen, noting his work as co-chair of the Fiscal Study Committee and on the Land Use and Public Works sub-committees of the Board. Board members agreed that he has done a tremendous job and will be missed. They wished him well as he steps down as a Selectman. Mr. Fiore thanked his colleagues for their kind words; it has been a pleasure working with them. He assured them that he will still remain involved in town affairs as a Town Meeting Member. He wished his successor best wishes and good luck.

Motion was made, seconded, and unanimously voted to adjourn at 10:20pm. On a roll call vote Mr. McCaffrey, yes, Mr. Card, yes, Mr. DePalo, yes, Mr. Fiore, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy
Secretary